

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:04CR137
	§	
RICHARD CARL ROBERTS	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 24, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Tracey Batson.

On November 29, 2005, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 84 months imprisonment, followed by a 3-year term of supervised release, for the offense of possession with intent to distribute 5 grams or more of a mixture or substance containing methamphetamine and carrying a firearm during and in relation to a drug trafficking crime. Defendant began his term of supervision on November 24, 2010.

On March 21, 2011, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 46). The Petition asserts that Defendant violated the following condition of supervision: (1) Defendant shall not commit another federal, state, or local crime.

The Petition alleges that Defendant committed the following violations: (1) On March 1, 2011, Defendant was arrested by the Gainesville, Texas, Police Department on a warrant for the offense of stalking, a 3rd Degree Felony. Beginning on or about January 25, 2011, Defendant allegedly followed Barbara Roberts, his ex-wife, to work and conducted surveillance on her residence. Defendant also allegedly sent text messages stating “you have ten minutes to answer or else.” Additionally, Defendant’s alleged stalking behavior was also witnessed by others, including local law enforcement. Defendant remains in custody under a \$50,000 bond.

At the hearing, the Government offered the testimony of Officer Michael Morris regarding the state stalking case against Defendant. Defendant is alleged to have stalked his ex-wife. Having heard the testimony presented, the Court finds that he has violated the terms of his supervised release and that his supervised release should be revoked. As of the date of this report, Defendant has not waived his right to allocute before the district judge or his right to object to the report and recommendation of this Court.

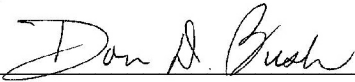
### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the August 24, 2011 hearing, the Court recommends that Defendant be committed to

the custody of the Bureau of Prisons to be imprisoned for a term of twenty four months, with no supervised release to follow, to run concurrent with any other sentence being served by Defendant.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations contained herein. 28 U.S.C.A. § 636(b)(1)(C).

**SIGNED this 9th day of September, 2011.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE